

REMARKS/ARGUMENTS

Claims 1, 3-4, 6 and 8-9 are pending in the instant application. All pending claims are amended above.

Objections to the Claims

Dependent claims 7-11 were objected to because the preamble of each characterized the invention as a device, as opposed to an “apparatus” as recited in underlying independent claim 6. By the above amendment, this informality has been corrected as prescribed by the Office Action. Reconsideration and withdrawal of the objection is requested.

Rejections under 35 U.S.C. §102

Claims 1-3, 6-8 and 11 are rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,918,463 to Takahashi, *et al.* (hereinafter, “Takahashi”). As amended above, independent claim 1 incorporates subject matter previously recited in dependent claims 2 and 5. Independent claim 6 is amended to recite subject matter previously recited in dependent claims 7 and 10. The Office Action does not assert that Takahashi teaches or suggests the features recited in claims 5 or 10. Therefore, Applicant respectfully submits that the rejection over Takahashi has been overcome. Reconsideration is requested.

Claims 1, 2, 4-7 and 9-11 are rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 4,916,897 to Hayashi, *et al.* (hereinafter, “Hayashi”). Applicant respectfully traverses.

Claim 1 recites a method for regenerating a particle filter by spontaneous combustion of particles accumulated in the filter comprising leading the exhaust gases from the combustion chamber in operation to bypass the filter through a space inside the silencer which encloses the filter. The Office Action avers that this feature is taught in Hayashi. Applicant respectfully disagrees.

In each embodiment of Hayashi, including Figs. 1-4 cited in the Office Action, activation of the bypass valve (41) diverts inlet exhaust gases into an expansion chamber (24) and out through a main outlet pipe (36). There is no space in Hiyashi that encloses the filter which also passes combustion gasses bypassing the filter. Therefore, Hiyashi does not meet the above noted

feature of independent claim 1. The only space that encloses the filter is a casing (71) which encloses only the filter, and does not include any space or chamber to pass combustion gasses not also passing through the filter. According to Hiyashi, diverted exhaust gases completely avoid the filter (74).

Similarly, with respect to independent claim 6, recited is an apparatus including a bypass duct in which exhaust gases from the combustion engine in operation are led to bypass the filter through a space which encloses the filter when the exhaust gas counterpressure exceeds a set level. As previously noted with respect to method claim 1, this feature is neither taught nor suggested by Hiyashi.

As amended above, claims 3-4 and 8-9 depend from independent claims 1 and 6, respectively, and include by reference all limitations thereof. These dependent claims are each separately patentable but are offered as patentable for at least the same reasons as their underlying independent claims. Therefore, applicant respectfully submits that he rejection has been overcome. Reconsideration is requested.

In light of the foregoing, Applicant respectfully submits that all claims are allowable, and kindly requests an early and favorable Notice of Allowability.

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DJT:lf

Respectfully submitted,



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